REMARKS

Claims 1-25 were pending. Claims 26-47 have been added. Accordingly, claims 26-47 are pending.

Pursuant to 35 U.S.C. § 119(e), Applicant has amended the Description to claim benefit of priority to Provisional Application Serial No. 60/162,490, filed October 29, 1999.

Applicant has noted the examiner's request for the address for one of the inventors. Included herein are newly executed declarations with complete information for each of the inventors.

In the present Office Action, claims 1, 3-7, 9, 11-12, 15-17, and 19-25 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,797,001 (hereinafter "Augenbraun"). Claims 2 and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Augenbraun. Finally, claims 10, 13, 14, and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Augenbraun in view of U.S. Patent No. 6,177,930 (hereinafter "Chernock"). Applicant respectfully traverses the above rejections and submits each of the pending claims recite features neither taught nor suggested.

Applicant's amendments are believed to further clarify the nature of the invention. Generally speaking, new independent claim 26 may be seen to correspond to prior claims 1 and 2 with clarifications.

It is first noted that the cited art and the presently claimed invention are directed to different problems and have correspondingly different solutions. Augenbraun is directed to methods for improving the interactive navigation of hyperlinked pages. In contrast, the present invention generally relates to the recording and playback of a pushed signal which includes live data objects in a television system.

For example, Augenbraun begins by noting that "[i]t is widely recognized that there is value in systems which allow each individual user to interactively navigate hyperlinked multimedia (hypermedia) databases." (col. 1, lines 14-16). Augenbraun then notes that certain types of databases "exhibit relatively rapid access times but they are not easily updated with new information and are limited in size by storage costs" while others "may exhibit relatively poor access times." (col. 1, lines 25-44). Augenbraun further describes what are considered shortcomings of prior art. For example, "it is clear that there is no teaching or suggestion in Motsch of an intelligence-gathering process embedded in the receiver which monitors selection patterns of the user, and which utilizes the results of monitoring in an adaptation or learning process to capture and then store articles that the user may have an interest in as inferred from the user's implicit pattern of selection." (col. 3, lines 1-8). Augenbraun further states "[a]gain, of particular relevance, is the complete lack of ability of the system itself to monitor and dynamically change user preferences inferred from the user's pattern of selection." (col. 5, lines 51-54).

Finally, Augenbraun discusses its solution to the above described problems. Generally speaking, the solution taught by Augenbraun involves generating a user profile, receiving data elements, and selectively storing data elements which match the user profile. Navigating among "pages" (data elements) of interest to the user may then be more likely to exhibit reduced latency, as pages of interest are more likely to be stored locally. For example, Augenbraun teaches:

> "In each associated receiver, certain of the incoming data elements are selected for local storage in the receiver based upon an evaluation of selection criteria which utilize the incoming data attributes and the prior selection pattern of the user of the given receiver; the data elements stored locally are those data elements that are likely to be the most relevant or pertinent to this user. The user navigates the stored data elements through the use of multimedia navigation software and navigation results are presented on a display device. Navigation is fully interactive as long as the user is navigating data elements that have been stored locally. Navigating to a data element which is not present in the local storage produces a message on the display device indicating when the requested data will become available. The receiver includes software to monitor user input to

the receiver and then to process the input so as to learn information about the individual user; in turn, the receiver stores locally only data elements as dynamically controlled by the user selection pattern, that is, only those data elements that have the greatest likelihood of being of interest to the individual user." (Augenbraun, col. 6, lines 23-41).

"Each user has a user profile which is indicative of data elements of interest to this particular user. Data elements of interest to a particular user are locally selected and stored in correspondence to the selection pattern of the user as well as the user profile. The user profile is dynamically changed in correspondence to the selection pattern in order to locally select and store data elements having a high likelihood of being of interest to the particular user." (Augenbraun, col. 6, lines 48-55).

Accordingly, Augenbraun generally teaches a method for generating a user profile, receiving data elements, and selectively storing only those data elements which match the user profile. If the user navigates to a data element which is not present in the local storage (i.e., it was not stored because it did not match the user profile), a message is displayed indicating when it will be available. In contrast, as noted above, the presently claimed invention generally relates to the recording of a pushed data stream which includes live data objects in a television system. While a number of embodiments and features are described in the present application, the following excerpts may serve to clarify various aspects of the claimed invention.

"When receiving station 14 receives the data stream, the program contained in the data stream may be played immediately or it may be recorded. In either case, receiving station 14 converts the data stream back into the data objects. If the program is to be played immediately, the data objects are used as necessary in the program. If the program is to be stored, the data objects are stored as a set of files on storage device 16." (Description, page 4, lines 31-33).

"Further, live data objects can be replaced with references to these objects, so that current live data can be retrieved whenever the program is played back." (Description, page 7, lines 4-5).

"In effect, the system converts the pushed data transmitted by the broadcast station to pulled data (i.e., data that can be retrieved at the request of the user.)" (Description, page 7, lines 12-13).

"In one embodiment, the program to be stored includes references to previously cached data. Some information may not be broadcast as part of a carousel, but may still need to be incorporated into a program. This information can be flagged so that, when it is broadcast, the flag will be detected and the information will be stored on the mass storage device of the receiver, regardless of whether or not the corresponding data stream is currently being recorded. Later, when a program that references the cached information is played, the information can be retrieved from the mass storage device." (Description, page 9, lines 6-11).

Turning now to the presently claimed invention, newly submitted claim 26 recites a method in an interactive television system including:

"receiving a first <u>pushed</u> signal, wherein said first pushed signal includes a
        <u>program</u>;
parsing at least a portion of the first pushed signal to extract one or more data
        objects;
<u>in response to detecting said program is to be presented immediately</u>:
        utilizing a first set of said data objects corresponding to said program in
                order to present said program immediately, said first set of data
                objects including non-live data objects and one or more live data
                objects;
<u>in response to detecting said program is to be stored for deferred playback</u>:
        storing first data objects of said first set on a mass storage device, in
                response to detecting said first data objects are non-live data
                objects; and
        storing a reference to a second data object of said first set on said mass
                storage device, in response to detecting said second data object is a
                live data object."

In view of the above discussion, it is seen that Augenbraun does not teach or suggest "receiving a first pushed signal, wherein said first pushed signal includes a program; parsing at least a portion of the first pushed signal to extract one or more data objects" and "in response to detecting said program is to be presented immediately: utilizing a first set of said data objects corresponding to said program in order to present said program immediately, said first set of data objects including non-live data objects and one or more live data objects", and "<u>storing first data objects of said first set on a</u>

mass storage device, in response to detecting said first data objects are non-live data objects; and storing a reference to a second data object of said first set on said mass storage device, in response to detecting said second data object is a live data object" "in response to detecting said program is to be stored for deferred playback". Because Augenbraun is directed to solving a different problem than the present invention, it is no surprise that Augenbraun does not teach the above features. Augenbraun utilizes user profiles and usage patterns in order to decide what data is stored and what data is not stored.

Consequently, Applicant submits claim 26 is patentably distinguished from the cited art. In addition, because claim 37 includes limitations similar to those of claim 26, claim 37 is believed patentable as well. Further, because each of the dependent claims include limitations in addition to those of the independent claims upon which they depend, the dependent claims are also believed patentable for at least the above reasons. Applicant further submits the dependent claims recite additional features not taught or suggested by the cited art.

For example, claim 27 recites the limitation wherein in "response to detecting said program is stored on said mass storage device and playback of the program has been requested: retrieving said first data objects from said mass storage device; retrieving said reference from said mass storage device; utilizing said reference to retrieve a third data object; and presenting said retrieved first data objects and said third data object." Also, claim 28 adds that the "third data object is retrieved from a second pushed signal." Claim 29 adds an alternate limitation to claim 27 wherein "said utilizing comprises: generating a request for said third data object from a remote location; and receiving said third data object in response to said request."

In addition to the above, claim 30 adds the limitation "receiving a second pushed data stream; in response to detecting the data objects corresponding to the first pushed data stream reference one or more data objects corresponding to the second pushed data stream, extracting said one or more of said data objects from said second pushed data

stream; and storing said one or more of said data objects from second pushed data stream on said mass storage device."

Still further, claim 32 (and similarly, claims 46 and 47) recites the features "detecting a cacheable data object of said one or more data objects corresponds to a program not included in said first pushed data stream; caching said cacheable data object; subsequently receiving and presenting the program corresponding to the cacheable data object; accessing said cached data object; and presenting said cacheable data object as part of said program corresponding to the cacheable data object."

Applicant submits these features are not taught or suggested by the cited art.

In view of the discussion above, and the clarifying amendments, Applicant believes the application is in condition for allowance and requests that the application be allowed to proceed. Should the examiner have any questions or concerns which would prevent the application from proceeding to allowance, the below signed representative would appreciate a telephone call (512) 853-8866 in order to facilitate a quick resolution.

CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5266-03001/RDR.

Also Enclosed:

☒ Newly executed Declaration (6 pgs.)

☒ Newly executed Power of Attorney & Statement

☒ Petition for Extension of Time

☒ Fee Authorization

☒ Return Postcard

Respectfully submitted,

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